

REMARKS

In response to the non-final Office action mail-dated 08 September 2005, reconsideration of the application, as amended, is respectfully requested.

This Amendment is being filed via U.S. Postal Service first class mail in accordance with 37 CFR 1.8.

Although no fees are anticipated in association with this Amendment, the Office is respectfully requested to charge any required fees, and credit any overpayment, to Deposit Account 50-0958.

By amendment herein, claims 2-11, 13-15 and 18 are amended; claims 1, 12 and 17 are canceled. Claims 16 and 19-28 are original claims. Claims 2-11, 13-16 and 18-28 remain in the application.

Drawings

By the Office action, the drawings are objected to for not including designations 210, 220, 200, 200W, and 200F.

The drawings are also objected to because the respective lead lines for designations 220W and 210W are pointing incorrectly.

In view of Applicant's amendments in the drawings, Applicant respectfully requests withdrawal of the objections to

the drawings. Applicant appreciates the Office's discernment of certain inadvertencies in the drawings. Appended hereto is one replacement sheet, which contains FIG. 11. This replacement sheet represents the seventh of seven drawing sheets in the application. Applicant believes that the above-mentioned problems noted by the Office are corrected via the changes rendered in FIG. 11 on the appended replacement sheet.

Most of the changes in FIG. 11, as reflected on the appended replacement sheet, involve adding numbers (reference characters) so that two or three numbers (instead of just one number) are indicated for the corresponding lead line. These changes are as follows:

"200W<sub>RR</sub>" is changed to "200, 200W, 200W<sub>RR</sub>"

"200W<sub>FR</sub>" is changed to "200, 200W, 200W<sub>FR</sub>"

"200W<sub>RL</sub>" is changed to "200, 200W, 200W<sub>RL</sub>"

"200W<sub>FL</sub>" is changed to "200, 200W, 200W<sub>FL</sub>"

In each of four locations, "210W" becomes "210, 210W"

In each of four locations, "220W" becomes "220, 220W"

"200FR" is changed to "200, 200F, 200FR"

"200FL" is changed to "200, 200F, 200FL"

In each of two locations, "210F" is changed to "210, 210F"

In each of two locations, "220F" is changed to "220, 220F"

"200C" is changed to "200, 200C"

"210C" is changed to "210, 210C"

"220C" is changed to "220, 220C"

Please note that the "220W<sub>FL</sub>" designation in the original FIG. 11 is an inadvertency, as it should be "200W<sub>FL</sub>". Also changed in FIG. 11 are the two errant lead lines noted by the Office, namely:

Lead line for ""210, 210W" (originally designated "210W")

Lead line for ""220, 220W" (originally designated "220W")

The sheet caption (in the top margin, per portrait view) is also changed so as to insert the term "REPLACEMENT SHEET" and the application serial number.

The drawings are also objected to "because in Figure 5 the elastomeric material "210C" is not sandwiched between two rigid materials as discussed at the top of page 12 in the disclosure."

Applicant has not rendered any change in the drawings in response to this objection to FIG. 5, set forth in paragraph 3 of the Office action. Applicant's FIG. 5, as originally filed, is correct as shown. FIG. 5 is a side view of inventively enhanced vehicle 100. Please also see Applicant's FIG. 6 through FIG. 11. It would be incorrect to show elastomeric material 210C as being "sandwiched between two rigid materials." The Office is respectfully referred, e.g., to paragraph [0034] of Applicant's specification, wherein Applicant discloses that laminar material system 200C is a two-layer material system that is associated with the central region 30. Two-layer material system 200C includes "a rigid layer 220 that is covered with an

elastomeric layer 210 on the rigid layer's downward facing side...." (Applicant's specification, paragraph [0034]) Laminar material system 200C, associated with the central region, is a two-layer material system. Laminar material system 200W, associated with each of the four wheel well regions, is a three-layer material system. Laminar material system 200F, associated with each of the two floorboard regions, is a three-layer material system. See also, e.g., paragraphs [0032], [0033] and [0045] of Applicant's specification.

Specification

The specification is objected to because of various informalities.

Applicant respectfully requests that the objections to the specification be withdrawn.

The Office points out three instances in which the numerical designation "100" should be used instead of the existing numerical designation "10." Applicant has refrained from making these changes. Applicant believes that, in the particular contexts noted by the office, it may make more sense for the vehicle to be designated "10" rather than "100." This is a question of language, not of substance. The number "100" corresponds to the inventively enhanced vehicle; the number "10" corresponds to the standard vehicle. See, e.g., paragraph [0031] of Applicant's specification, wherein Applicant states,

"Reference now being made to FIG. 5 through FIG. 11, standard HMMWV 10 is inventively enhanced so as to become explosion/collision-protective HMMWV 100."

The Office action further states, "Also the top of page 12 is unclear and is not apparently shown in the drawing figures since an elastomeric material "210C" is not sandwiched between two rigid materials as discussed in the specification." Neither Applicant's specification nor Applicant's drawings are lacking in this regard. The Office is respectfully referred to Applicant's discussion hereinabove in relation to the objections to the drawings. To respectfully reiterate, Applicant's laminar material system 200C (central region) is a *two-layer* material system; Applicant's laminar material system 200W (each wheel well region) is a *three-layer* material system; Applicant's laminar material system 200F (each floorboard region) is a *three-layer* material system.

Incidentally, on Applicant's own initiative, paragraph [0033] is slightly amended herein in furtherance of parallel language construction in terms of the two floorboard regions and the four wheel well regions.

#### Claim Objections

Claims 5, 8, 12, 14 and 21 are objected to because of various informalities.

Applicant respectfully requests that the objections to the

claims be withdrawn. Applicant respectfully refrains from amending any claims based on the claim objections, as the original phraseologies are believed to be proper, and the proposed alternative phraseologies are believed to be counterproductive to good claim expression. For instance, in claim 5, the originally expressed "each said wheel well being associated with a said wheel" in Applicant's view is preferable to the Office's suggested "each said wheel well being associated with said wheel," as there are plural wheels. Similarly, in claim 14, the original "each said bulkhead adjoining a said floorboard" is preferable to the suggested "each said bulkhead adjoining said floorboard," as there are plural floorboards.

The Office action's objections in the specification and the claims concern small matters. If, on further consideration, the Office believes that certain informalities remain, an examiner's amendment seeking to correct such informalities would probably be agreeable to Applicant.

Claim Rejections -- 35 USC 112

Claims 4-11 and 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In view of the claim amendments herein, Applicant respectfully requests that the Section 112, 2<sup>nd</sup> paragraph

indefiniteness rejections be withdrawn. Applicant believes that the claim amendments herein have cured the meritorious Section 112, 2<sup>nd</sup> paragraph indefiniteness problems noted by the Office, and that all of the claims presented herein are free of Section 112, 2<sup>nd</sup> paragraph indefiniteness problems.

With due respect, the Office's indefiniteness rejections regarding the terms "a three-layer material system," "an impacting event" and "a sandwich construction" appear to be in error. The first time that a singular item is mentioned in a claim or claim sequence, it is preceded by an indefinite article -- i.e., either "a" or "an" (There are no plural forms of indefinite articles). Once an item/items is/are named in the claim or claim sequence, each subsequent referral to such item/items in the claim or claim sequence uses either the definite article "the" or the word "said."

#### Claim Rejections -- 35 USC 102

Claims 1-2, 12-13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ladika et al. U.S. Patent No. 5,663,520.

First of all, Applicant must emphasize that the system disclosed by Ladika et al. is very different from Applicant's claimed invention. Ladika et al. disclose a system that is mainly or exclusively metallic. See, e.g., Ladika et al., column 5, line 25 to column 6, line 8. Of particular note,

Ladika et al. do not disclose use of elastomeric material in their system with the exception of their resilient (e.g., rubber) material 264, a relatively minor part of their system placed between reinforcement tube 246 and the upper surface of plate structure 84. See Ladika et al., column 9, line 49 to column 10, line 16; see also, Ladika et al., figure 8.

Based on Ladika et al.'s resilient material 264, the Section 102 rejection of original claim 1 *might* have arguable merit, albeit Applicant considers such rejection to be a "stretch" and does not necessarily concede this point. On the other hand, Applicant respectfully opines that the Section 102 rejections of original claims 12 and 17 most assuredly should not be sustained, among the reasons being that Ladika et al. do not teach or suggest the use of any elastomeric material in any of the wheel well/bulkhead areas of their vehicle.

Nevertheless, in the interest of expeditious prosecution, Applicant cancels claims 1, 12 and 17. In view of the cancellations of claims 1, 12 and 17, Applicant respectfully requests withdrawal of the rejection(s) under 35 USC 102.

Allowable Subject Matter

Claims 21-28 are allowed.

Applicant appreciates the Office's favorable consideration of claims 21-28.

Claims 3 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant appreciates the Office's favorable consideration of claims 3 and 18-20. Applicant has rewritten originally dependent claims 3 and 18 as independent claims 3 and 18, each independent claim including all of the limitations of the base claim and any intervening claims. Claim 19 still depends from claim 18; claim 20 still depends from claim 19 (which depends from claim 18).

Claims 14-16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph.

Applicant appreciates the Office's favorable consideration of claims 14-16. As noted hereinabove, all of the claims, including claims 14-16, are believed to be devoid of 35 U.S.C. 112, 2<sup>nd</sup> paragraph indefiniteness problems.

Claims 4-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, and to include all of the limitations of the base claim and any intervening claims.

Applicant appreciates the Office's favorable consideration of claims 4-11. As noted hereinabove, Applicant has rewritten originally dependent claim 3 as independent claims 3, such independent claim including all of the limitations of the base

claim and any intervening claims. Claims 4 and 6-11 still depend, directly or indirectly, from claim 3. As also noted hereinabove, all of the claims, including claims 4-11, are believed to be devoid of 35 U.S.C. 112, 2<sup>nd</sup> paragraph indefiniteness problems.

Claim 2, originally dependent from claim 1, is amended herein so as to depend from claim 3. Claim 2 is believed to be allowable at least for the reasons that claim 3 is allowable. Claim 13, originally dependent from claim 12, is amended herein so as to depend from claim 5. Claim 2 is believed to be allowable at least for the reasons that claim 5 is allowable.

In view of the foregoing, Applicant respectfully requests allowance of claims 2-11, 13-16 and 18-20, in addition to the previous allowance of claims 21-28. Otherwise expressed, Applicant respectfully requests a notice of allowance as to claims 2-11, 13-16 and 18-28.

The Examiner should please feel free to contact the undersigned at telephone number (301) 227-1834 to discuss any questions concerning this matter.

Respectfully submitted,

  
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12/08/05  
date

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**AMENDMENTS TO THE DRAWINGS**

Appended hereto is a single replacement drawing sheet, which contains Figure 11 and replaces the original seventh drawing sheet of seven drawing sheets.